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22850 7590 05/14/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

COPPOLA, JACOB C

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/14/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,797	12/20/2004	Hideo Tsukazaki	261349US6PCT	9874

TITLE OF INVENTION: CONTENT PROVIDING SYSTEM, INFORMATION PROCESSING DEVICE AND METHOD, AND PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/16/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22850 7590 05/14/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. **Herby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

(Depositor's name)

(Signature)

(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/16/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
COPPOLA, JACOB C	3621	705-059000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS; SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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ALEXANDRIA, VA 22314				3621
DATE MAILED: 05/14/2010				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 812 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 812 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)
	10/518,797	TSUKAZAKI ET AL.
	Examiner JACOB C. COPPOLA	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to response filed on 28 January 2010.

2. The allowed claim(s) is/are 1, 3, and 6.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)

5. Notice of Informal Patent Application

2. Notice of Draftsperson's Patent Drawing Review (PTO-948)

6. Interview Summary (PTO-413),
Paper No./Mail Date _____.

3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____.

7. Examiner's Amendment/Comment

4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material

8. Examiner's Statement of Reasons for Allowance

9. Other _____.

JACOB C. COPPOLA/
Examiner, Art Unit 3621

DETAILED ACTION

Acknowledgements

1. This action is in reply to the response filed on 28 January 2010.
2. Claims 1, 3, and 6 have been amended by Examiner's Amendment below.
3. Claims 2, 4, 5, and 7-28 have been cancelled by Examiner's Amendment below.
4. Claims 1, 3, and 6 are currently pending and have been examined.
5. Claims 1, 3, and 6 are allowed.
6. This Office Action is given Paper No. 20100429. This Paper No. is for reference purposes only.

Drawings

7. The drawings are objected to because they contain several spelling errors. See, e.g., figure 25: the word "ganle" appears to be the misspelling of *genre*. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

8. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
9. Authorization for this Examiner's amendment was given in a phone interview with Mr. Chris O'Brien on 06 May 2010.
10. The application has been amended as follows:

Claim 1: A content-providing system comprising a terminal for utilizing contents stored in advancee and a server connected to said terminal through a network and used for managing said contents comprising:

 said terminal comprising including:
 a storage unit having configured to store said contents stored in advancee, the contents stored in advancee including a plurality of predetermined content;
 a control unit programmed to request unit configured to transmit a request, via a communication unit, which requests for utilization of [[a]] at least one of said plurality of

predetermined content by transmitting [[a]] at least one content ID identifying the at least one of said plurality of predetermined content and by transmitting a request to purchase [[an]] electronic points purchase request, the electronic purchase request being for purchasing said predetermined content, to said server;

wherein the control unit is further programmed a reception unit configured to receive a table and a utilization-condition transmitted by said server in response to said request by said request unit, wherein the table includes including the at least one content ID and a corresponding an associated predetermined cost for each of the at least one content ID of the predetermined content, and wherein the utilization-condition includes an available electronic point amount determined based on the request to purchase electronic points;

wherein the control unit is further programmed to store the utilization-condition in a utilization-condition storage unit and to store the table in a table storage unit; configured to store said table, which is received by said reception unit,

wherein the control unit is further programmed said utilization condition storage unit being further a unit configured to receive an update said for the table on the basis of an update received from said server, the update including a respective content ID from the at least one content ID and a corresponding an associated current cost of a respective predetermined content corresponding to the respective content ID,

wherein the control unit is further programmed to update the corresponding predetermined cost in the table for the content ID included in the update the associated current cost by replacing the respective predetermined cost with the corresponding current cost; a previous cost of the respective predetermined content; and

a utilization execution unit configured to execute utilization of said predetermined content on the basis of said table, which has been stored in said utilization-condition storage unit;
a utilization execution unit programmed to acquire, from the table, a corresponding cost for at least one content ID included in the table, wherein the corresponding cost is the predetermined cost or a current cost received by the control unit;

wherein the utilization execution unit is further programmed to update the utilization-condition, stored in the utilization-condition storage unit, by subtracting the corresponding cost from the available electronic point amount; and

wherein the control unit is further programmed to transmit to said server, in response to reproduction of the predetermined content identified by said at least one content ID included in the table, utilization-history information comprising said at least one content ID included in the table and a characteristic of said reproduction;

 said server comprising including:

a control unit a utilization condition transmission unit configured programmed to transmit, via a utilization-condition transmission unit, said table and said utilization condition associating said content ID with said associated predetermined cost of the predetermined content to said terminal;

a sales history information storage unit configured to store sales history information of said predetermined content pertaining to a range as information including said content ID identifying said predetermined content, utilization of which is requested by said request unit employed in said terminal;

wherein said control unit is further programmed a collection unit configured to collect, via a collection unit, sales-history information comprising the available electronic point amount transmitted to the terminal and to store the sales-history information in a sales-history information storage unit; sales records of content utilized by said terminal on the basis of said sales history information stored in said sales-history information storage unit; and a processing execution unit configured to carry out processing based on said sales records;

wherein said control unit is further programmed to transmit, via the utilization-condition transmission unit, employed in said server is further a unit configured to transmit the update for the table; to the terminal which includes the respective content ID and the associated current cost of the respective predetermined content corresponding to the respective content ID

wherein said collection unit is programmed to, in response to the utilization-history information transmitted by the terminal, identify and extract at least one content ID corresponding to said characteristic of said reproduction, wherein the at least one content ID extracted does not identify any of the plurality of predetermined content in the storage unit of the terminal;

wherein said control unit is further programmed to transmit, to the terminal, the at least one content ID extracted.

Claim 2: cancelled.

Claim 3: The information-processing apparatus content-providing system according to claim [[2]] 1, wherein said sales-history information stored in said sales-history information storage unit further includes an apparatus ID used for identifying said terminal.

Claim 4: cancelled.

Claim 5: cancelled.

Claim 6: An information-processing method executed by an information-processing apparatus having a processor and connected to a content-providing system having a terminal connected to a server for using content utilizing contents through a network, said information-processing method comprising:

storing, by the terminal, said contents, the contents including a plurality of predetermined content;

transmitting, by the terminal, via a communication unit, a request for utilization of at least one of said plurality of predetermined content by transmitting at least one content ID identifying the at least one of said plurality of predetermined content and by transmitting a request to purchase electronic points;

receiving, by the terminal, a table and a utilization-condition transmitted by said server in response to said request, wherein the table includes the at least one content ID and a corresponding predetermined cost for each of the at least one content ID, and wherein the utilization-condition includes an available electronic point amount determined based on the request to purchase electronic points;

storing, by the terminal, the utilization-condition in a utilization-condition storage unit
and storing, by the terminal, the table in a table storage unit;

receiving, by the terminal, an update for the table from said server, the update including a
content ID for the at least one content ID and a corresponding current cost;

updating, by the terminal, the corresponding predetermined cost in the table for the
content ID included in the update the associated current cost by replacing the respective
predetermined cost with the corresponding current cost;

acquiring, by the terminal, from the table, a corresponding cost for at least one content ID
included in the table, wherein the corresponding cost is the predetermined cost or a received
current cost;

updating, by the terminal, the utilization-condition, stored in the utilization-condition
storage unit, by subtracting the corresponding cost from the available electronic point amount;
and

transmitting, by the terminal, to said server, in response to reproduction of the
predetermined content identified by said at least one content ID included in the table, utilization-
history information comprising said at least one content ID included in the table and a
characteristic of said reproduction;

a first transmission step of transmitting, using the information-processing apparatus by
the server, [[a]] said table and said utilization condition to said terminal, the table including a
content ID which identifies a predetermined content and an associated predetermined cost of the
predetermined content;

a sales-history information storage control step of controlling, using the information-processing apparatus, an operation to store sales-history information of predetermined content pertaining to a range received from said terminal as information including said content ID identifying said predetermined content;

a collection step of collecting, by the server, sales-history information comprising the available electronic point amount transmitted to the terminal and storing, by the server, the sales-history information in a sales-history information storage unit; sales records of content utilized by said terminal on the basis of said sales-history information stored in said operation controlled by processing carried out at said sales history information storage control step;

a processing execution step of carrying out processing based on said sales records; and
a second transmission step of transmitting, by the server, using the information-processing apparatus, an update for the table; which includes a respective content ID and an associated current cost of a respective predetermined content corresponding to the respective content ID, the associated current cost replacing a previous cost of the respective predetermined content to said terminal in a process to update said

identifying and extracting, by the server, in response to the utilization-history information transmitted by the terminal, at least one content ID corresponding to said characteristic of said reproduction, wherein the at least one content ID extracted does not identify any of the plurality of predetermined content in the storage unit of the terminal; and

transmitting to the terminal, by the server, the at least one content ID extracted.

Claims 7-28: cancelled.

Reasons for Allowance

11. The following is an Examiner's statement for reasons for allowance.
12. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-125 of the original specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings... the inventor's lexicography must prevail...." *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.
13. The closest prior art of record is Higashi and Yodo, neither of which disclose, when combined, a server comprising a collection unit programmed to, in response to the utilization-history information transmitted by the terminal, identify and extract at least one content ID corresponding to said characteristic of said reproduction, wherein the at least one content ID extracted does not identify any of the plurality of predetermined content in the storage unit of the terminal.
14. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time of the invention was made would *not* have been motivated to modify Higashi and Yodo to include the recited features above.
15. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JACOB C. COPPOLA whose telephone number is (571) 270-3922. The Examiner can normally be reached on Monday - Friday, 9 am - 5 pm.

17. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACOB C. COPPOLA/
Examiner, Art Unit 3621
May 7, 2010

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621